

SUMMARY REPORT OF INVESTIGATION¹**I. EXECUTIVE SUMMARY**

Date of Incident:	August 10, 2015
Time of Incident:	11:30 a.m. – 3:00 p.m.
Location of Incident:	XXXX N. Melvina Ave, Chicago, IL
Date of COPA Notification:	August 10, 2015
Time of COPA Notification:	3:00 p.m.

On August 10, 2015, at approximately 11:30 a.m., Police Officer A was getting ready for work in his bathroom. Officer A's wife, Subject 1, was upset with her husband. She banged on the bathroom door and a domestic disturbance ensued. Officer A called 911 and requested assistance. The police came to their house, including Sergeant A. Officer A declined to sign a complaint against his wife. Later that afternoon, Subject 1 called 911 to request an Evidence Technician (ET) to photograph bruises. Sergeant A responded to their house again. Subject 1 became very upset with Sergeant A and called 911 multiple times to complain about Sergeant A and to request an ET. Sergeant A notified Lieutenant A of the situation and then left the house. Sergeant A filled out an initiation report memorializing Subject 1's complaint. An ET also responded to the house and photographed Subject 1.

II. INVOLVED PARTIES

Involved Officer #1:	Officer A, #XXXXXX, Employee #XXXXXX, Unit XXX, DOA May 29, 2001, Police Officer, DOB XX/XX 1972, male, white
Involved Officer #2:	Sergeant A, #XXXX, Employee #XXXXXX, Unit XXX, DOA December 16, 1991, Sergeant, DOB XX/XX 1956, male, white
Subject #1:	Subject 1, DOB XX/XX 1971, ² white, female

¹ On September 15, 2017, the Civilian Office of Police Accountability (COPA) replaced the Independent Police Review Authority (IPRA) as the civilian oversight agency of the Chicago Police Department. Therefore, this investigation, which began under IPRA, was transferred to COPA on September 15, 2017, and the recommendation(s) set forth herein are the recommendation(s) of COPA.

² Subject 1 was 43 years old on August 10, 2015. She passed away on August 24, 2015. The manner of death was suicide.

III. ALLEGATIONS

Officer	Allegation	Finding
Officer A	<p>1. It is alleged that Officer A choked Subject 1, in violation of Rules 8 and 9.</p> <p>2. It is alleged that Officer A pushed Subject 1 against a cabinet, in violation of Rules 8 and 9.</p> <p>3. It is alleged that Officer A psychologically harassed Subject 1 throughout their marriage, in violation of Rule 8.</p> <p>4. It is alleged that, at an unknown date, time, and location, approximately five years prior to August 2015, Officer A choked Subject 1 until she lost consciousness, in violation of Rules 8 and 9.</p>	<p>Not Sustained</p> <p>Exonerated</p> <p>Unfounded</p> <p>Not Sustained</p>
Sergeant A	<p>1. It is alleged that Sergeant A failed to initiate a Complaint Register number in a timely manner, in violation of Rules 5 and 6.</p> <p>2. It is alleged that Sergeant A failed to request an ET to photograph Subject 1 in a timely manner, in violation of Rules 5 and 6.</p> <p>3. It is alleged that Sergeant A was rude and unprofessional towards Subject 1 by his overall actions, in violation of Rule 8.</p>	<p>Unfounded</p> <p>Unfounded</p> <p>Not Sustained</p>

IV. APPLICABLE RULES AND LAWS

Rules

1. Rule 5: Failure to perform any duty.
2. Rule 6: Disobedience of any order or directive, whether written or oral.
3. Rule 8: Disrespect to or maltreatment of any person, while on or off duty.
4. Rule 9: Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.

General Orders

1. G04-04: Domestic Incidents
2. G08-01-02: Specific Responsibilities Regarding Allegations of Misconduct

V. INVESTIGATION³

a. Interviews

In her August 12, 2015 **statement to COPA**,⁴ Subject 1 stated that she lived with her husband Officer A for 8 years. She said that she had experienced ongoing physical and psychological abuse throughout their relationship. She also stated that they fought frequently, both verbally and physically. She added that she considered the psychological abuse worse than the physical abuse, stating that Officer A would set her off causing her to “freak out at him”.

On August 10, 2015, Subject 1 was upset because Subject 1’s minor daughter told Subject 1 that Officer A was going to take Subject 1’s minor daughter to swim lessons. The last time Officer A took Subject 1’s minor daughter to swim lessons, she fell into the pool, which Officer A said was an accident. Subject 1 believed that another swim lesson was a veiled threat against Subject 1’s minor daughter’s safety. Around 11:30 a.m., Officer A was in the bathroom getting ready for work. Subject 1 banged on the locked bathroom door. When Officer A let her in, she yelled at him. They began to fight and together fell into the bathtub. She said she did not remember who initiated the physical contact, although she may have punched him at some point. She also said that Officer A put one of his arms around her neck from behind and choked her. Officer A called the police while using his back to push Subject 1 against a shelving unit in their bathroom. She said she could barely breathe while she was pinned between Officer A and the shelving unit. She indicated that she had bruises on her arms and neck that she received from falling into the bathtub and the altercation. She said some of the bruises on her arms were from Officer A grabbing her.

Multiple police officers responded to their house, including Sergeant A. Officer A spoke with the police outside while Subject 1 remained in the house. She was not arrested. The officers provided her with information about domestic abuse. Later that day, Subject 1 called the 16th district to request an ET to photograph her bruises. Someone at the station told her to call 911 to make the request. Subject 1 called 911 and Sergeant A responded to the house. According to Subject 1, Sergeant A was rude and unprofessional to her by saying that she was the abuser, asking her what was wrong with her and threatening to take her to jail. She told Sergeant A that all she wanted was an ET to photograph her injuries. She described herself at this point as hysterical. She called 911 again and Sergeant A left her house. She estimated that he was inside her house for five to ten minutes before he went outside. She conceded that Sergeant A never told her that he was refusing to call an ET. An ET eventually came to the house and photographed her.

Subject 1 also stated that approximately five years prior to August 2015, Officer A choked her in their basement until she passed out. She could not provide any further information about this incident. She said that throughout their marriage he would do the opposite of what she asked him to do specifically to make her mad. She also said that he would do things like give Subject 1’s minor daughter a McDonald’s “skull bracelet” toy to threaten Subject 1. Subject 1 said that she believed Officer A tampered with her email account by doing things like marking her emails as

³ COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

⁴ Attachments 94 and 95.

unread so she would miss important messages. She also believed that he was abusing her via text message, but also said all his text messages to her looked “nice”. Subject 1 also presented a letter for their therapist that she claimed was authored by Officer A in which he admitted to intentionally sabotaging their marriage. She also claimed that he would frequently tell his supervisor that she abused him and that the only thing he cared about was his job.

In his December 13, 2017 **statement to COPA**,⁵ Officer A stated that on August 10, 2015, he was in the bathroom showering when Subject 1 started banging on the door. Officer A was concerned that she was going to kick in the door, so he opened it. Subject 1 entered, started punching Officer A, and knocked him into the bathtub. She choked Officer A and he pushed her away with both hands. Officer A denied that he choked Subject 1 during this incident. Officer A called the police to the home but did not want Subject 1 arrested.

Officer A said that Subject 1 would hit him every day for a year prior to her death. Officer A called the police on prior occasions due to Subject 1’s behavior, including during an argument on August 8, 2015. On one occasion, she hit herself over the head with objects and was taken to the hospital. On another occasion, she went missing. Officer A considered having Subject 1 admitted to a psychiatric ward. He never committed her because he was concerned it would negatively affect her nursing career, which was very important to her. Subject 1 described herself as “bi-polar” and had been prescribed medication in the past, but refused to take it.

Officer A denied psychologically harassing Subject 1 throughout their marriage. He also denied choking Subject 1 to the point of unconsciousness approximately five years prior to August 2015. Officer A acknowledged writing the note stating he intentionally sabotaged their marriage, but said he did it because Subject 1 forced him.

In his January 5, 2018 **statement to COPA**,⁶ Sergeant A stated that he was dispatched to the Officer A’s home on the morning of August 10, 2015 for a domestic battery. The officers on scene told him there had been a dispute between an off-duty officer and his wife. Sergeant A found it difficult to speak with Subject 1, describing her as highly emotional. The officers on scene contacted Officer A at work, where he refused to sign complaints against Subject 1. Sergeant A did not observe any injuries to Subject 1 and did not recall her making any abuse allegations against her husband.

Sergeant A was called out to the Officer A and Subject 1’s home again later that day. There were other officers on scene when Sergeant A arrived at the house. Subject 1 complained that she had been battered by Officer A earlier that day. She then alleged that she had injuries and was insistent that she be photographed by an ET. She also demanded to speak to Sergeant A’s boss. Sergeant A instructed one of the officers on the scene to order an ET and generate a case report. He then left because his presence was making Subject 1 more agitated. After he left, Sergeant A informed Lieutenant A that Subject 1 was demanding to speak with his boss. Lieutenant A responded to Subject 1 and initiated a complaint log against Officer A and Sergeant A.

⁵ Attachment 104.

⁶ Attachment 112.

Sergeant A recounted that Subject 1 was already agitated by the time he arrived and he only spoke with her for about five minutes. He denied telling Subject 1 that she was cruel. He did tell her that she was the offender in the report from earlier in the day, however he denied telling her that she was “the abuser”. He commented that “abuser” is probably not the term he would have used; rather, he regularly uses the term “offender”. He denied saying, “Aren’t you a psych nurse, what’s wrong with you?”, maintaining that he did not know that Subject 1 was a psychiatric nurse. Sergeant A denied making any derogatory statements to Subject 1.

b. Digital Evidence

A **911 call**⁷ from August 10, 2015 at 11:35 a.m. memorializes Officer A’s request for police assistance. He stated that his wife was attacking him and he was trapped in the bathroom. Officer A addressed someone in the background by saying, “I didn’t choke you.” A female voice can be heard screaming in the background throughout the call.

Subject 1 placed **four calls to 911**⁸ on August 10, 2015 between 2:00 p.m. and 2:43 p.m. She requested an ET to photograph her bruises and complained about Sergeant A. A male voice can be heard in the background of the second call saying, “This is cruel.”

ET photographs⁹ of Subject 1 taken on August 10, 2015 depict red marks on her neck and arms and apparent bruises on her arms.

c. Documentary Evidence

A **Case Report**¹⁰ under RD #HYXXXXXX documents that police responded to Officer A’s home on the morning of August 10, 2015. Officer A told the police that Subject 1 attacked him while he was in the shower. She pushed him, punched him in the nose and choked him. Officer A is listed as the victim while Subject 1 is listed as a suspect. Officer A declined medical attention and refused to sign a complaint against his wife.

A **Case Report**¹¹ under RD #HYXXXXXX memorializes Subject 1’s complaint against Officer A on the afternoon of August 10, 2015. She told responding officers that during an argument her husband grabbed her neck and arms, leaving bruises. Subject 1 is listed as the victim and Officer A as the suspect. She declined medical attention but requested an ET to take photographs. The report reflects that the police requested an ET to photograph Subject 1’s bruises.

An **initiation report**¹² written by Lieutenant A on August 10, 2015 documents his conversation with Subject 1 when he responded to her home. Subject 1 complained to him about Sergeant A.

⁷ Attachment 38.

⁸ Attachments 40, 41, 42, and 44.

⁹ Attachment 75.

¹⁰ Attachment 9.

¹¹ Attachment 10.

¹² Attachment 6.

An **initiation report**¹³ written by Sergeant A on August 10, 2015 describes the morning incident between Officer A and his wife. It also reveals that during the afternoon Subject 1 told Sergeant A her husband abused her and she wanted an ET to photograph her bruises. Sergeant A assigned a beat car to take a report and request an ET.

A **Case Report**¹⁴ under RD #HYXXXXXX recounts a domestic incident between Officer A and Subject 1 on August 8, 2010. Officer A told police that Subject 1 attempted to take his cell phone away, and when Officer A tried to leave their home she bit him on the shoulder. A **Case Report**¹⁵ under RD #HPXXXXXX documents that on June 3, 2008 Officer A reported that Subject 1 attempted suicide. A **Case Report**¹⁶ under RD #HNXXXXXX recounts that Officer A reported Subject 1 missing on August 31, 2007.

VI. ANALYSIS

COPA recommends a finding of **NOT SUSTAINED** for Allegations 1 and 4 against **Officer A**, that he choked Subject 1. There is insufficient evidence to prove or disprove beyond a preponderance of the evidence that Officer A ever choked Subject 1, therefore, the allegations are not sustained.

COPA recommends a finding of **EXONERATED** for Allegation 2 against **Officer A**, that he pushed Subject 1 against a cabinet. According to Subject 1, she initiated the incident between Officer A and herself by banging on the bathroom door while he was showering. The physical altercation that ensued was due to her being the initial aggressor. If she had not entered the bathroom to confront Officer A, then the physical altercation would not have occurred and Officer A would not have pushed her away in self-defense. Therefore, because he did not initiate the incident and because he was defending himself, Officer A was justified in pushing Subject 1 against a cabinet and he is therefore exonerated.

COPA recommends a finding of **UNFOUNDED** for Allegation 3 against **Officer A**, that he psychologically harassed Subject 1 throughout their marriage. It is clear from the evidence gathered, as well as Subject 1's later suicide, that she suffered from mental illness. It is undoubtedly that her tormented feelings were genuine, however, there is no evidence that her distress was caused by Officer A's actions.

COPA further recommends a finding of **UNFOUNDED** for Allegations 1 and 2 against **Sergeant A**, that he failed to initiate a Complaint Register and request an ET in a timely manner. It is clear from the evidence that Sergeant A did in fact initiate a Complaint Register and assigned an officer to request an ET to photograph Subject 1 on the afternoon of August 10, 2015.

COPA recommends a finding of **NOT SUSTAINED** for Allegation 3 against **Sergeant A**, that he was rude and unprofessional towards Subject 1 by his overall actions. Subject 1 claimed that

¹³ Attachment 4.

¹⁴ Attachment 107.

¹⁵ Attachment 106.

¹⁶ Attachment 105.

Sergeant A was rude and unprofessional towards her. Sergeant A denied it. There is insufficient available evidence to either sustain or refute this allegation.

VII. CONCLUSION

Based on the analysis set forth above, COPA makes the following findings:

Allegation	Finding
Officer A	
1. It is alleged that Officer A choked Subject 1, in violation of Rules 8 and 9.	Not Sustained
2. It is alleged that Officer A pushed Subject 1 against a cabinet, in violation of Rules 8 and 9.	Exonerated
3. It is alleged that Officer A psychologically harassed Subject 1 throughout their marriage, in violation of Rule 8.	Unfounded
4. It is alleged that, at an unknown date, time, and location, approximately five years prior to August 2015, Officer A choked Subject 1 until she lost consciousness, in violation of Rules 8 and 9.	Not Sustained
Sergeant A	
1. It is alleged that Sergeant A failed to initiate a Complaint Register number in a timely manner, in violation of Rules 5 and 6.	Unfounded
2. It is alleged that Sergeant A failed to request an ET to photograph Subject 1 in a timely manner, in violation of Rules 5 and 6.	Unfounded
3. It is alleged that Sergeant A was rude and unprofessional towards Subject 1 by his overall actions, in violation of Rule 8.	Not Sustained

Approved:

Deputy Chief Administrator A

Date

Appendix A

Assigned Investigative Staff

Squad:	X
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Investigator:

Investigator A

Supervising Investigator:

Supervising Investigator A

Deputy Chief Administrator:

Deputy Chief Administrator A